2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

766 by his relatives. For the feasts during the mourning at a chief's
661 death the food is acquired by institutionalized pillage (*cipinimbe*). The villagers in a chiefdom are often first informed of the death of a chief by the appearance of men from his village. These men are by custom allowed to take from a village any article of food they can find—flour, a goat, some chickens, prepared relish, or whatever is lying around in the village. The owners of the food may not charge them with theft. This food is used in the funeral feast. The excesses to which the chief's men may go became circumscribed after the White conquest. Previously, almost any crime short of murder could be committed under the guise of *cipinimbe*. More recently, owing to Government opposition, it has been restricted to the taking of smaller articles of food, such as flour and chickens. Some people are beginning to object even to this. The chief's funeral is a public affair and all his subjects may attend it. The effect of the *cipinimbe* is to bring together enough food for the chief's funeral feast. Here, as before, the chief's men may not cross the boundary for fear of reprisals, and the effect is to impose a levy in an informal way over most of the villages in the chief's area.

The Chief as a Symbol of Unity

643 The chief is a representative of his people and it is his par-
579 ticular duty to ensure their welfare and that of the chiefdom as a whole. His symbolic representation of the unity of his people is brought out clearly by his right to fines in cases involving bloodshed and arson. Strife and division in a chiefdom in the old days were likely to end in spilt blood and burnt huts so that the Yao associate bloodshed and hut-burning with dissension within the chiefdom.

684 Most other offences are against the individual and not the
685 chiefdom as a whole: the case is brought to the chief so that compensation may be awarded. Adultery and theft thus are definitely civil offences. Nowadays, a fine is imposed, but this is seen to be a White innovation, and the money from it is looked upon as 'Boma' money.[1] In disputes where blood has
682 been shed, however, the chief is entitled to fine the guilty party on his own account. The chief is said to be 'blinded' by the
683 blood and a payment must be made to him before he may 'see'

[1] i.e. Government money.

2: Mitchell E-5 (1946-1949) 1956 FT7 Yao FT7

culties are settled by the marriage sureties [1] who only report to him after the affair is settled. In disputes of unusual gravity, the headman may call in unrelated persons [2] to arbitrate, but he himself must be present.

His own behaviour is expected to be exemplary. Any deviation from the norm is likely to be strictly censured, not only by his own villagers, but also by other village headmen, who may say, 'Important men do not behave in this way.' A man who had an argument with his sister's son was told this. He had taken the dispute to a neighbouring headman who decided against the village headman and rebuked him for behaving in a way not consonant with his position. Village headmen should be above squabbling with their villagers. A village headman who was also a leech had virtually raped a woman whom he was treating. He tried to maintain this was part of the treatment. Her matrilineal relatives reported the matter to the headman of her village and he brought the errant headman in front of the chief who said, 'You are wrong to do this when you are an important man. You are a big man and you act as a commoner does. You ought to be able to show the commoners how to behave.' He was made to pay a compensation of £2 10*s.* and fined 10*s.* Had he been a commoner he would have been made to pay a compensation of only 30*s.*

The ultimate sanction to which all headmen are subject, is that their people will leave them if they behave badly. This was the fate of Cikumba.

In 1944 Cikumba had a village of about 30 huts. The son of the first Cikumba, Meya, had two wives who were living virilocally in Cikumba's village. Meya had enlisted in the army. While he was away, Cikumba, the village headman who was Meya's father's sister's son (though he called him 'father' because of positional succession), started taking Meya's two wives to beer drinks. Meya's sister one day asked Cikumba about his behaviour, but he only said that Meya could not do anything as he was far away. Things had gone too far, however, when one morning he was seen coming out of the

[1] The representative of a spouse in all affairs arising from conjugal relationships. They are usually senior matrilineal relatives. See Chap. VI, pp. 176–7. Their rôle is discussed fully in *Marriage among the Machinga Yao of Southern Nyasaland*.

[2] *Mundu juampambali*, i.e. a person from outside.

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Mwanace. He was the junior marriage surety to the marriage and it was his duty to go to the man's marriage surety, report the matter and arrange to take some action to get the man well again. Mwanace, however, refused to take any action. Instead he tauntingly said, 'Take the matter to Ali Kasunka, it is his village.' The woman did so, and Ali Kasunka asked immediately whether she had not taken the matter to Mwanace. She replied that she had and repeated Mwanace's words. Ali Kasunka took the matter up with Mwanace who now objected to being ordered about. Ali Kasunka, however, impressed on Mwanace that the village was his (Ali Kasunka's) and the authority rested with him. He then went to the man's home to tell them of Wayison's illness. The man's representative came and he and Ali Kasunka consulted a diviner. They found that the man was ill from *ndaka*, which he had contracted in his home village. They found medicine and treated him and he recovered.

Things came to a head in 1947. Mwanace's younger sister Nyangu II (D11) was married to a soldier who was away. One morning she came to her mother's elder sister, Mbalasyao (C1),[1] and told her that she had found semen on her pudenda and could not recall having had intercourse with anyone. Mbalasyao told Ali Kasunka about this. It was clearly a matter for divination and Ali Kasunka called Mwanace and told him that they ought to consult a diviner. But Mwanace's attitude, even in such a crisis as this, was hostile. He refused and said it was not his work to do this sort of thing. Ali Kasunka therefore went to a diviner with his sister Mbalasyao. The diviner said the semen was Mwanace's. He said that he had entered her hut magically and had sexual intercourse with her without her knowing it.[2] When Ali Kasunka got back to the village he called Mwanace and asked him what tricks he was playing in the village. Mwanace said that he had done nothing—it was not his village. Ali Kasunka then vaguely hinted at his crime. Mwanace pressed for more details and Ali Kasunka accused him outright of sleeping with his sister. He had hardly uttered the accusation before Mwanace had drawn a knife and attacked him. Mwanace was screaming something to the effect that Ali Kasunka had come to him with lies about having seen a diviner. Ali Kasunka beat off the attack and reiterated the accusation. Mwanace now turned his rage upon the woman and tried to catch her. Two of the men in the village then caught Mwanace and subdued

[1] Her mother, Amaliama, was dead.

[2] This is called *cipenecesya*. It combines the use of magic with sister-incest. To the Yao mind there could be no clearer proof of sorcery. I have already mentioned the importance of sister-incest in relationship to the beliefs surrounding the sorority-group. See p. 146.

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him. The woman in the meantime had run to Chiwalo's hut half a mile away. Here she complained to the chief that Mwanace wanted to kill her. Chiwalo refused to listen to her complaint and sent for Ali Kasunka. When he had come and explained the sequence of events, he continued saying that he would like to take the case to court. Chiwalo, who was Ali Kasunka's wife's father's sister's son (hence a classificatory younger brother) and whose henchman Ali Kasunka was, refused to arbitrate in the case but referred it to Kawinga. On the day of the case the woman's husband came back from the Army. The case was tried and eventually the court assessors awarded a damages claim of £3 to be paid by Mwanace to his sister. The husband, at the same time, said that he could not remain married to her because whenever he saw her he would think that she had slept with her brother and in court he gave Ali Kasunka a marriage termination payment. The tension between Ali Kasunka and his 'sister's son' did not end there however. When they got back to the village Ali Kasunka remonstrated with Mwanace saying, 'Are you not ashamed to have married your sister?' Mwanace said that he could not stand that sort of thing and went back to live uxorilocally.

A crucial point in this case history is that the women did not like Mwanace. Almost certainly there would have been a split in the village had the women had more confidence in Mwanace. The tension between Ali Kasunka and Mwanace, although the conflict is inter-generational, started, as it consistently does, from the relationships of a man to the women of his matrilineage. Without the support of the women, younger brothers or sister's sons are impotent against the power of their senior relatives. It is only when they can induce the women to follow them and to leave their rivals that they can found a new village and thereby begin to earn prestige. Therefore, although the men are the active agents in bringing about a physical act of fission, they are in fact only making manifest a situation which is latent within the lineage.

The position of the senior male matrilineal relative is of fundamental importance in questions involving segmentation. His position is seen most clearly in the dominant matrilineage, in which the name of the village is inherited. The Yao practise 'positional succession'. A man not only succeeds to his mother's brother's name but also to the position of the mother's brother in the social structure as a whole.[1] It follows that when the

[1] See Chap. V, p. 121.

3: Stanmus D-5 (ca. 1912) 1922 FT7 Yao FT7

pregnant, the meeting of the sponsors will have to be postponed until after the ceremony connected with her first quickening with child, *Litiwo*.[1] This ceremony must be performed whether the girl is regularly married or not. One party cannot ask the other for permission that both ceremonies take place at the same time. The answer would be given, "You are asking me to kill two beasts with one bullet." In rare cases, the chief may sanction the marriage and *Litiwo* ceremonies taking place at about the same time, i.e. the marriage is arranged before the child is born.

Widowhood. A widow is considered unclean for a period after the death of her husband. She wears a band of palm-leaf or string around her forehead. When the period is passed and some man wishes to marry her, arrangement is made with some other man to cohabit with her for payment; she is then said to be clean and can go to her prospective husband. This ceremony is called *kudewa nyonji*, "to cut the strings," or in Chinyanja, *ku-dula nsalse*, "to cut the palm"; unless it is performed, the new husband will sicken. The man introduced for the purpose is called by the Yao, *likwa*, the "hyæna," "he who comes by night."

Divorce. From time to time, married people disagree and one deserts the other. If the woman leaves the man, he has a claim against her and the man to whom she goes for all the clothes he has supplied her with during their married life. The husband usually sides with the wife's relatives and arranges that they look after the children; he does not claim them. When the husband and wife mutually wish to separate, they both meet with their sponsors and everything is duly arranged. The husband will give his wife an arrow, saying, "*Mpamba* (the arrow)," meaning, "If I come back, may it kill me." The place of the arrow may be taken by a bullet or any other object, even a piece of grass. The man will add, "*Swaka, swaka, no likoswe!* (rattling, rattling, it is a rat!)," inferring that if his wife hears something rattling in the house, it is a rat, not himself trying to come back. There is no definite payment of compensation. If the woman marries again, she presents the "arrow" to her second husband as a sign that she has been freed from her first marriage; without this token, no man would marry her.

Actual adultery was in the old days very rare owing to the strict enforcement of rules, and the case of a woman demanding divorce on account of the adultery of her husband formed a *cause célèbre*. The case heard by the chief would last for days and hundreds of people would come to listen. Neighboring Anyanja pleaders would be invited to speak and great excitement prevailed, as these latter would be accompanied by their villagers, who, to the accompaniment of continuous drumming, would sing, "*Mbewala anakadwa n'nkonde*,[2] (The bush-buck has run his head into the net)," while they ran about running their heads into their game-nets.

Other causes of separation are neglect of duty, sterility of the wife, and habitual death of the children born.

[1] Vide infra, p. 274. [2] Chin.

643 ivory by his own hunting parties or as a kind of tithe on other hunting expeditions. The ground tusk, i.e. the tusk on the side on which the elephant falls when killed, was the chief's share. In the same way, the hind leg on the ground side of any game animal killed was sent to the chief. He took a share of the spoils of war and most of his people yearly gave him either service in building houses, etc., or kind in the form of food-stuffs, but he enforced no service and levied no tax, except for the making of a new burial place.[1] New settlers in his village were expected to invite him to drink beer made with their first crops.

In return, he always provided cloth to invest the body of the dead. He also made presents at the time of *Unyago*.[2]

A chief's life, therefore, may not be "all beer and skittles," though he consumes a good deal of the former and a kind of skittles[3] was a favorite pastime of one of the Malemyas. A saying embodying this idea was used when pleading for a man who had [538] committed adultery with his chief's wife "one who carries a tortoise (on a string over his back) is likely to get his clothes soiled"; a man has to put up with the troubles his belongings bring him. So a chief must bear with his own people who do wrong.

643 Ample opportunity for exercising such forbearance was provided, since the chief was formerly the adjudicator of all disputes and dispenser of justice in all crimes. The headman 692 did the same in a smaller way but appeal could always be made to the chief. Cases were heard by the chief sitting in council. He and his headmen and elders would assemble in the village open space and here cases were stated, often at great length.

Each party to the case would employ some man well known for his powers of oratory as leading counsel. The speaker for the plaintiff would start proceedings by a recital of all the evidence he could collect. After him would follow innumerable speakers, whether actual witnesses or not, each telling as good a story as he could, and the defendant's case would then be put by his representatives. There was no cross-examination but at the end, a summary was made and judgment given. A chief often took the advice of some one of his old men whom he trusted.[4] The chief received no payment for his services, except in the case of murder; neither did the "counsel" receive anything for their efforts.

674 **Crimes.** Causing the death of a person by witch medicine, *usawi*, was the most heinous [754] crime; a *usawi* ordeal might be held, but if the offense was proved, burning was the punishment which usually followed.

● [684] The offense second in gravity was adultery. This might be expiated by payment or by death, according to the circumstances under which it occurred; mutilation was often [696] performed in the case of a chief's wife. All death sentences with the exception of those

[1] Vide supra, p. 244. [2] Vide supra, pp. 248, 264. [4] Vide infra, p. 360.

[3] The old Malemya (Nahutumbo) has some very fine men among his counsellors. Kamtopa and Chinjile, the latter renowned for his oratory, were his chief advisers in legal matters. Ndakika, a slave, was his mentor in all personal and family affairs, while Chekasongo was in charge of all ceremonies and served with his assistant, Mpanje, as high priest on all occasions of intercession. Others acted as his counsellors, such as Mkupiti who always went on any missions to the Angoni, among whom he was known as Ndunjira.

for witchcraft were carried out by strangling with a piece of calico at a place appointed for the purpose some miles from the chief's village. [674] [696]

There was no case against a man who seduced an unbetrothed girl, the latter being considered entirely at fault. [684]

After divorce, the children always remained with the mother. The man left his wife after the case, saying, "I will take my spear and some of the goats and chickens, but the children will always know their father." [586]

Murder was a question of compensation to the deceased's relatives and was not punished by death. [682]

Stealing was a serious offence but many who were found guilty were rather despised than punished. The thief with the stolen goods tied about his body but otherwise stripped naked would be driven through the village and prodded with sticks to the sound of drums and hoots of derision. [685]

Most crimes, however, might be punished by exacting compensation. Payment took the form of goods or slaves. In the case of murder, the accused might have to pay several slaves to the deceased's relatives, and in addition, a fine to the chief for spilling blood, consisting perhaps of one slave. The amount of compensation expected was mentioned by the plaintiff in the case. One of the expressions used was, "My compensation must cover an ant hill," meaning enough slaves, standing hand in hand, to surround an ant hill; ant hills in this country are sometimes very big. If a man had no slaves, he would send his relatives or he himself might be forced to become the slave of the plaintiff. There is a saying anent this practice: [681]

Chitumbili wachitowile mchila wakwe!
The monkey they tied (with) tail his (own). [539]

Slaves passed over to a man in payment for crime became free men; they were an addition to the village and might even be adopted in place of a murdered individual. [567]

When compensation was made by the defendant to the plaintiff, the latter always returned some part of it as a sign that friendship was again established.

Goods or money received in compensation for murder, i.e. blood money, might not go for the purchase of food or clothing. Detection of a guilty party by means of magic and proof of guilt or otherwise by ordeal poison are dealt with elsewhere.

Bluffing anyone into giving something for nothing, obtaining goods by false pretence, was not considered a crime, as anyone was "fair game." For instance, a party of youths would waylay a man with a load of fish, saying they had been ordered by their headman to commandeer it. If the man parted with his fish, so much the worse for him; if he showed fight, he was respected and friendship made with a give-and-take of fish and snuff. Such bluffing is called *kulya nsuse*, "to eat with them." To add to their appearance of *bona fides*, the party might have secretly borrowed some well-known article belonging to their headman. [674]

3: Stannus D-5 (ca. 1912) 1922 FT7 Yao FT7

This has led to the word being translated as Bright's disease (Hetherwick). No symptoms referable to the pudenda are included under this disease. *Mseru* (Chin. *Kapundu*): hydrocele; said to be another sequela. A woman soiled by the excrement of her infant after birth is not considered unclean and intercourse will have no ill result to the husband. Sometimes in the event of *Apali ni chilundu*, recourse is had to the practice of intercourse between the woman and some other man. She is thus rendered "clean" and the man who is not her husband will not sicken. Such a man is called *Litheu* (see *Widowhood*). 164 192 753 688

Lesase: a disease similar to *Chinguru*, which inflicts a man having coitus with his wife who has not been cleansed after abortion.

Kusisimula: a practice indulged in if a new-born child falls ill; the word refers to the "hardening" of pots when they are being made and the same idea is applied to the child. If the new-born child gets fever, the illness is ascribed to the *carunculae myrtiformes* about the vulva of the mother. These are cut off by an old medicine-woman and the blood allowed to drop into a mortar; water and some leaves are added and pounded together, and the mother attired only in a cloth reaching to the loins, washes her breasts with the liquid while the baby is supported on ollo thigh; the child is then given the breast and the mother, turning her back on the mortar, pushes it over backwards with her buttocks.

Yo sjele (from salt; Chin., *dze mchere*): If a woman who, after the death of a child, has not been cleansed by medicine, adds salt to her husband's food, he eating it will sicken.

Tsempo (a Chinyanja word): If a man or a woman commits adultery and any member of the family falls ill, the natives say the illness is due to the unlawful act; the sinner is said "to have gone in front of the other"; *kwapunda* (*ukupambana*, Chin.), "he has gone in front of," from *ku-punda* and *ku-pambana*, to go in front of, *or ku-ompha* (Chin.), to go slyly in front of. Hence the word *tsempo* which also is used loosely for *dze mchere*. If a child who according to custom has gone to stay with the grandmother, returns to the parents' house and the parents continue to have sexual intercourse, the child may sicken; it is said that the house is "hot" for the child and its disease may be called *tsempo*. Or if a child which has been weaned is again given the breast after the mother has resumed cohabitation with her husband, it may sicken with *tsempo*. And the husband is called *kwapunda*.

A child which is suckled after menstruation is reestablished, is not affected by any untoward symptoms.

In the event of a woman dying in childbirth, if it so happens the husband has committed adultery, he is held responsible for the death and her relations claim very heavy compensation. [684]

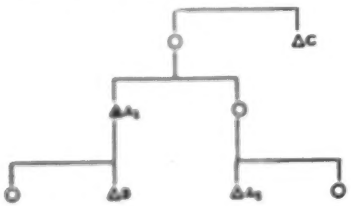
Ku-simusilwa, to be met with (*ku-kumanidwa*, Chin.): if the act of coitus causes the onset of menstruation and the husband cannot draw back in time to prevent himself being contaminated, he will sicken, and he is said "to have met with (it)" when referring to his illness. In this disease, the penis is said to withdraw into the bladder. Soot from the roof

5: Mitchell E-5 (1946-1948) 1949 FT7 Yao FT7

genous group, in which his jurisdiction over one part of the village arises from his position as the warden of a sorority-group, and that which he exercises over the other sorority-group derives partly from his position as a non-matrilineal relative and partly from his own personal qualities. The warden of the second sorority-group is the headman's own son and it is he who takes over all the functions proper to that position, but the successor to the headmanship is a man's sister's son, usually, though not invariably, the first-born son of the eldest sister. Each village headman in turn brings his wife to live in his village and each headman's wife in turn tends to set up a fresh group which is of a different lineage affiliation from that of the headman. In addition to this the warden of the sorority-group formed from the first headman's children tends in due course to live patrilocally and the children of his wife set up yet another foreign group in the village. Hence, theoretically, with each generation the number of opposed groups in a village doubles itself, and in a few generations, were this to continue, the position would become extremely complex. In fact a village of long standing is seen to be composed of a central lineage group to which the headman belongs, and a series of other lineage groups related to the headman's lineage group through one or other of the past and present headmen of that village. Such groups of different lineage make-up are usually mutually opposed and are held together only by the combined influences of a weak patrilineal connexion with the headman's lineage and the personality of the present headman.

This situation is clearly an uneasy one for the headman. His wife is looked upon as a stranger and is often made to feel it. The headman's sorority-group often expresses its hostility and jealousy towards her. The children of the two groups are on no easier terms. They call each other ' cross-cousin ' (*aziwani*) and are expected to marry one another. At the same time the hostility between them is formulated in joking relationships. This critical situation of the headman is made clear to him on the day of his succession. One headman was told: ' As you have got wives, do not listen to what they say. They may be lying. Sometimes they will quarrel with your sisters and say that your sisters have been insulting you. This is false. When you hear these reports you may be unfair to your sisters and the people will say that you have broken your village through listening to nonsense.' Thus when conflicts arise between members of a village the headman is in a peculiar position and it is difficult for him to remain impartial. In such a situation the tendency is to call in an outsider to try to settle the differences. Sometimes these differences are patched up and the village continues as a unit. But, particularly after the death of the first village headman, the tendency is for one of the groups to move away to a completely new area, there to set up a unit of its own.

I quote an actual case to illustrate this procedure:



5: Mitchell E-5 (1946-1948) 1949 FT7 Yao FT7

'In 1946 village A had about 30 huts in it. A certain man B was the son of the previous headman called A_1 and hence mother's brother's son or cross-cousin of the present headman called A_2. B had two wives living patrilocally and while B was serving in the Army he had a letter from one of his sisters (i.e. his mother's brother's daughter or cross-cousin to the headman) to say that A_2 was sleeping with B's wives. When B returned he started making inquiries from his wives and he eventually secured a confession from them. B then went to a man called C, who stood in the relationship of mother's brother to the original A_1 and complained about the behaviour of the village headman. C also instituted inquiries and ascertained that it was true. C then approached a local headman of some standing (whom I shall call D) and asked him to arbitrate in the case. D pronounced A_2 guilty and awarded compensation of £6. 10*s*. to B. B, however, refused to take the money, and said that he wished to leave the village. D observed that he had every right to do this and that A_2 had no right to complain 'since he had broken the village himself'. B took his sorority-group, who occupied about twenty of the thirty huts, to a place about thirty miles away and set up a village of his own. The sorority-group of the village headman A_2 remained behind in the old village.'

This case illustrates the points that I have made. It shows how the two groups in this village stand opposed to each other in that B's sister wrote to tell him of A_2's conduct. Also when the village did break up it did so along certain very clear lines of genealogical relationship. Second, it illustrates the operation of the desire for dependants in that B refused what by Yao standards is a very large sum of money for compensation and preferred to move off and establish a village of his own. This attitude is also shown by the arbitrator who takes the point of view that regrettable as it is, the village must in the circumstances split, and while he appreciates the headman's feelings he makes it clear that the headman has no one to blame but himself. Third, it is interesting to note that this split took place after the death of the old village headman when the personal ties with both opposed groups were severed. Though the new village headman A_2 assumes the kinship terms of his predecessor and also calls the children of A_1 'children' yet in fact he is their cross-cousin while the old village headman was their father.

The position of the village headman in Yao social structure may be summarized thus: the village headman is the leader of a group which may be a simple kin-group or a composite group of two or more opposed matrilineages linked to each other through himself or one of his predecessors whom he represents to them. The numerical size of the village determines the status of the headman, but the size that it can reach is limited by an immanent instability in the kinship structure which is expressed, in terms of their status system, first, in the competition of brothers for the wardenship of the sorority-group, and second, in the competition between the headman and the wardens of the patrilineally linked sorority-groups, who wish to set up villages of their own.

The Yao see villages as units and this is clearly shown at the initiation ceremonies of boys, when the initiates are kept in grass-sheds, each partition of which refers to a particular village. In the same way a person is identified as belonging to a particular village known by the name of the village headman. Thus a man might say: 'I come from Kumpumbe's village.'